

Senator Luz Escamilla proposes the following substitute bill:

MENTAL HEALTH ACCESS AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Stewart E. Barlow

LONG TITLE

General Description:

This bill modifies an insurer's responsibilities for mental health coverage.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ requires a health benefit plan to reimburse for telehealth services for a mental health condition if certain conditions are met.

Money Appropriated in this Bill:

None

Other Special Clauses:

⤵ ~~None~~ This bill provides a special effective date. ⤵

Utah Code Sections Affected:

AMENDS:

31A-22-649.5, as enacted by Laws of Utah 2020, Chapter 119

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **31A-22-649.5** is amended to read:

31A-22-649.5. Insurance parity for telemedicine services.



26 (1) As used in this section:

27 (a) "Mental health condition" means the same as that term is defined in Section
28 31A-22-625.

29 ~~[(a)]~~ (b) "Telehealth services" means the same as that term is defined in Section
30 26-60-102.

31 ~~[(b)]~~ (c) "Telemedicine services" means the same as that term is defined in Section
32 26-60-102.

33 (2) Notwithstanding the provisions of Section 31A-22-618.5, a health benefit plan
34 offered in the individual market, the small group market, or the large group market [~~and~~
35 ~~entered into or renewed on or after January 1, 2021,~~] shall:

36 (a) provide coverage for telemedicine services that are covered by Medicare; [~~and]~~

37 (b) reimburse, at a commercially reasonable rate, a network provider that provides the
38 telemedicine services described in Subsection (2)(a)~~[-]; and~~

39 (c) provide coverage for medically necessary treatment of a mental health condition
40 through telehealth services if:

41 (i) the health benefit plan provides coverage for the treatment of the mental health
42 condition through in person services; and

43 (ii) the insurer determines treatment of the mental health condition through telehealth
44 services meets the appropriate standard of care.

45 (3) Notwithstanding Section 31A-45-303, a health benefit plan providing treatment
46 under Subsection (2) may not impose originating site restrictions, geographic restrictions, or
47 distance-based restrictions.

47a **H→ Section 2. Effective Date.**

47b **If approved by two-thirds of all the members elected to each house, this bill takes effect**
47c **upon approval by the governor, or the day following the constitutional time limit of Utah**
47d **Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,**
47e **the date of veto override.** ←H